

1761



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/055,056	
	Filing Date	01/22/2002	
	First Named Inventor	Ness et al.	
	Art Unit	1761	
	Examiner Name	Madsen, Robert A.	
Total Number of Pages in This Submission	12	Attorney Docket Number	BIB003USPT02

ENCLOSURES (Check all that apply)		
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<div>Remarks</div> <div>RECEIVED MAY 14 2003 TC 1700</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	SHERRILL LAW OFFICES, PLLC Michael S. Sherrill
Signature	<i>M. Sherrill</i>
Date	off May 03

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Date	May 7, 2003

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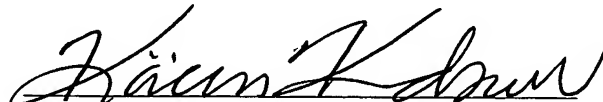
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Karen L. Knudson

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(b)			Docket No. BIB003USPT02
Serial No. 10/055,056	Filing Date January 22, 2002	Examiner Madsen, Robert A.	Group Art Unit 1761
Applicant:	Ness et al.		
Invention:	PORTABLE FOOD CONTAINER HAVING SEPARATE COMPARTMENTS		

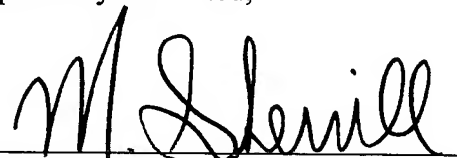
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This Supplemental Information Disclosure Statement is submitted along with a completed Information Disclosure Statement (Form PTO/SB/08A) and a copy of the reference cited under 37 C.F.R. 1.97(b).

Respectfully submitted,

Date 07 May 03

By 
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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-27, drawn to an inner food container within an outer food container, classified in class 426 subclass 120.
 - II. Claims 28-39, drawn to an inner container within an outer container having a specific collar design to engage the two, classified in class 220, subclass 505.
2. The inventions are distinct, each from the other because:
3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the specific collar structure recited. The subcombination has separate utility for non-edible items such as a paint brush inner container mounted within an outer container paint bucket.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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5. During a telephone conversation with Michael Sherrill on June 20, 2003 a provisional election was made with traverse to prosecute the invention of II, claims 28-39. Affirmation of this election must be made by applicant in replying to this Office action. Claim 1-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Madsen whose telephone number is (703)305-0068. The examiner can normally be reached on 7:00AM-3:30PM M-F.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703)308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.
8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0061.

Robert Madsen
Examiner
Art Unit 1761
June 24, 2003

